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**CERTIFICATION OF FACSIMILE TRANSMISSION**

I hereby certify that this paper is being filed with Diana Maggard of the United States Patent and Trademark Office by facsimile transmission on December 9, 2005 to facsimile telephone number (571) 273-0300.

David W. Hibler

41,071

(Reg. No.)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appellant(s): Turner Jr. et al. (As Previously Amended) Group Art Unit: 1646

Application No.: 09/918,359 Appeal No.: 2005-1920

Filed: 07/30/2001 Examiner: J. Murphy

Title: Human Ion Channel Proteins and Polynucleotides Atty. Docket No.: LEX-0208-USA  
Encoding the Same (As Previously Amended)

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**WITHDRAWAL OF APPEAL**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Appellants acknowledge receipt of the Decision on Appeal ("the Decision") in the above-referenced matter, mailed on November 14, 2005, which has been carefully reviewed and studied. While Appellants maintain their disagreement with the rejections set forth by the Examiner, and do not agree with the decision of the Board "affirm[ing] the examiner's rejection of claims 1 and 5-9" (the Decision at page 8), Appellants hereby withdraw the present appeal (Appeal No. 2005-1920), entirely without prejudice and without disclaimer, in order to pursue claims in a continuing application, which was filed on December 9, 2005.

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Appellants believe that no fees are due in connection with this request. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892.

Respectfully submitted,

December 9, 2005

Date

Customer # 24231

*David W. Hibler*  
David W. Hibler  
Agent for Appellants

Reg. No. 41-071

LEXICON GENETICS INCORPORATED  
8800 Technology Forest Place  
The Woodlands, TX 77381  
(281) 863-3399

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**8800 Technology Forest Place  
The Woodlands, TX 77381  
Phone: 281-863-3399  
Fax: 281-863-3335**

# **Lexicon Genetics Incorporated**

# Fax

**To:** Dianne Maggard  
Board of Patent Appeals and Interferences

**From:** David W. Hibler  
Reg. No. 41,071  
Agent for Appellants

**Fax:** 571-273-0300 **LEWIS & CLARK** **Date:** December 9, 2005

**Phone:** \_\_\_\_\_ **Pages:** 3 (including coversheet)

**Re:** Appeal No. 2005-1920  
Application Serial Number: 09/918,359  
Atty. Dkt. No. LEX-0208-USA

**CC:** File

#### **•Comments:**

Please find attached a Withdrawal of Appeal No. 2005-1920. Please contact me at the number shown above if there are any questions.

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